

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD PAUL VILLANI,

Plaintiff,

Case No. 09-CV-12541

v.

HONORABLE AVERN COHN

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION
AND
DISMISSING CASE

This is a social security case. On June 26, 2009, plaintiff Richard Paul Villani filed this action challenging the final determination of the Commissioner of Social Security (Commissioner) that he is not disabled and therefore not entitled to disability insurance benefits. The matter was referred to a magistrate judge for all pretrial proceedings. To date, plaintiff has not served the Commissioner. On March 5, 2010, the magistrate judge issued a report and recommendation (MJRR) recommending that the complaint be dismissed for failure to prosecute under E.D. Mich. LR 41.2, failure to serve the summons and complaint in accordance with Fed. R. Civ. P. 4, and for failure to respond to the magistrate judge's show cause order.

Plaintiff has not filed objections to the MJRR and the time for filing objections has passed. A failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370,

1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge.

Accordingly, the MJRR is ADOPTED as the findings and conclusions of the Court. This case is DISMISSED for the reasons stated in the MJRR.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: March 25, 2010

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, March 25, 2010, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160